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11 SAFEWAY INC.

12 UNITED STATES DISTRICT COURT  
13  
14 NORTHERN DISTRICT OF CALIFORNIA

15 LACHLAN WATERBURY, KEN  
16 FAROTTE, individually and on behalf of  
17 all others similarly situated,

18 Plaintiffs,

19 v.

20 SAFEWAY INC., and DOES 1-25,  
21 inclusive,

22 Defendants.

Case No. C-06-02072 SBA

**DEFENDANT SAFEWAY INC.'S  
UPDATED CASE MANAGEMENT  
STATEMENT**

Judge: James Larson  
Dept.: F  
Date: February 20, 2008  
Time: 10:30 a.m.

As requested by the Court, Defendant Safeway Inc. ("Defendant") hereby submits this updated case management statement in advance of the conference scheduled for February 20, 2008.

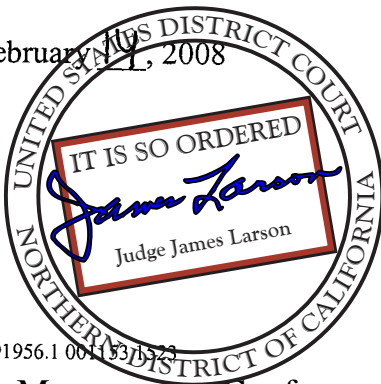
This action is currently stayed because of a similar action pending in Los Angeles County Superior Court, *Knoch v. Safeway Inc. et al.*, Los Angeles Superior Court Case No. BC 278726 ("*Knoch I*") and its related case *Knoch v. Safeway Inc. et al.*, Los Angeles Superior Court Case No. BC 277481 ("*Knoch II*").

On July 31, 2007, the Los Angeles Superior Court indicated that it would deny Plaintiffs' Motion to Certify an Overtime Class in *Knoch I*, but requested that Defendant prepare and submit a detailed order. Accordingly, Defendant requested a copy of the transcript of the proceedings. After a long delay, Defendant received the transcript and is in the process of finalizing the requested Order for submission to the Court. Plaintiff's counsel, in the related case, *Knoch II*, has withdrawn Plaintiff's Motion for Class Certification with respect to the Bonus claims at issue in that case.

Plaintiff Ken Farotte's Alameda County Superior Court action, *Farotte v. Safeway, Inc. et al.*, Alameda County Superior Court Case No. RG 05205915, also remains stayed at this time.

Defendant respectfully requests that the Court set a further case management conference in 60 days at which time the order denying class certification in the *Knoch I* should be signed.

Dated: February 14, 2008



*Laura E. Hayward*  
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 SAFEWAY INC.

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The Case Management Conference has been continued to April 23, 2008 at 10:30 am